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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,656	09/26/2003	Lawrence Allen Rigge	Rigge 7	8206
47386 7590 06/09/2009 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824				
EXAMINER				
DOAN, KIET M				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
06/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,656

Applicant(s)

RIGGE, LAWRENCE ALLEN

Examiner

KIET DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,11-14,16-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,11-14,16-19 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is response to Applicant's Remarks file on 04/13/2009.

Response to Arguments

2. Applicant's arguments filed 04/13/2009 have been fully considered but they are not persuasive.

In response to Applicant's argument in claims 1, 13 and 25 that prior art teach away from claims inventive.

The examiner respectfully disagrees for several reasons. Firstly, the examiner must give each claim it broadest reasonable.

a). King et al. clearly teach the wirelessly communication to and from tire using a RFID chip that contain pins (as a transponder type provided in an integrated circuit (IC)). The RFID chip contain control system that wirelessly communication with an interrogation reader wherein at least one pin is an antenna pin for connection to an external antenna, that is, King et al. clearly teach the claims language that antenna is a pin on said integrated circuit device (Col.5, lines 61-62, RFID chip contain antenna pins 110) and wireless transmitting signal from said integrated circuit device to said monitoring station (Col.1, lines 56-62).

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b) Gass is put forward to cure "monitoring station perform one or more of testing, debugging and evaluating said integrated circuit" (Claim 17 and Fig.1 show host device 10 which read on monitoring station that can perform test or debug, that is the rejection is base on broadly written of limitation).

The examiner also reminds the applicant that the **recent landmark KSR** ruling puts forth that simple substitution of one known element or application for another to a piece of prior art ready for improvement is not patentable under 35 USC 103(a).

Accordingly, the claims are viewed as a combination that only unites elements with no change in respective functions of those elements and said combination yields predictable results.

Absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill the claims are also deemed unpatentable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 2, 4, 12-14, 16 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 7,050,017 B2) in view of Gass (US 2004/0123193 A1).

Consider **claims 1, 13 and 25**. King teaches a method for wireless communication between an integrated circuit device and a monitoring station, said method comprising the steps of:

transmitting a wireless signal from said integrated circuit device to said monitoring station using an antenna associated with said integrated circuit device wherein said antenna is a pin on said integrated circuit device (C1, lines 56-62, Col.3, lines 18-23, 31-39. Col.5, lines 51-65, Fig.1 show the RFID chip 10 in the form of integrated circuit device which transmitting signal to interrogation reader 30 as read on monitoring station wherein the RFID chip 10 having at least one pin is an antenna pin). **King fails to explicitly teach** monitoring station perform one or more of testing, debugging and evaluating said integrated circuit.

In an analogous art, **Gass teaches** monitoring station perform one or more of testing debugging and evaluating said integrated circuit (Claim 17 teach host device as read on monitoring station is a test and debug device)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King with Gass's system such that the integrated circuit device have a pin antenna that wirelessly communicated with monitor device and monitor device perform testing or debugging in order to improve the wireless short rang operation at a reducing size or in a compact area.

Consider **claims 2 and 14**. The combination of King and Gass teach the method of claim 1. Further, King teaches wherein said antenna is incorporated in said integrated circuit device (Col. 3, lines 18-19).

Consider **claims 4 and 16**. The combination of King and Gass teach the method of claim 2. Further, King teaches wherein at antenna is printed on said integrated circuit device (Col.4, lines 22-26).

Consider **claims 12 and 24**. The combination of King and Gass teach the method of claim 1. Further, King teaches wherein said signal is a memory pattern to be applied to a memory area on said integrated circuit device (Col.3, lines 55-60).

5. Claims 5-7 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 7,050,017 B2) in view of Gass (US 2004/0123193 A1) and further view of Welch (US 2004/0097246 A1).

Consider **claims 5-7, 17-19**. The combination of King and Gass teach the method of claim 1 **but is silent on** wherein said signal is transmitted in accordance with an 802.11 wireless standard.

In an analogous art, **Welch teaches** wherein said signal is transmitted in accordance with an 802.11/ultra wide band/Bluetooth wireless standard (Paragraph [0017]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King and Gass with Welch's system such that signal transmitted in 802.11/ultra wide band/Bluetooth wireless standard in order to allow the users operate communications in short range.

6. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 7,050,017 B2) in view of Gass (US 2004/0123193 A1) and further view of Schmidt (US 2002/0196029 A1).

Consider **claims 11 and 23**. The combination of King and Gass teach the method of claim 1 **but is silent on** wherein said signal is a test command.

In an analogous art, **Schmidt teaches** wherein said signal is a test command (paragraph [0009]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King and Gass with Schmidt's system such that signal is a test command in order to enable communication on the mobile device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617